

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Case No. 3:15-cr-00462-AA
ORDER AND OPINION

v.

TRAVIS MILLER,

Defendant,

AIKEN, District Judge:

A federal defendant who has been convicted and sentenced to a term of imprisonment is committed to the custody of the BOP. 18 U.S.C. § 3621(a). The BOP “shall designate the place of the prisoner's imprisonment.” 18 U.S.C. § 3621(b); *see United States v. Ceballos*, 671 F.3d 852, 855 (9th Cir. 2011) (recognizing that the BOP “has the statutory authority to choose the locations where prisoners serve their sentence”).

Pursuant to 18 U.S.C. §§ 3621(b) and 3624(c), the BOP has discretion to place an inmate in a residential reentry center (“RRC”) and/or home confinement. *See*

Sacora v. Thomas, 628 F.3d 1059, 1061–62 (9th Cir. 2010) (recognizing that these two “statutory provisions govern the BOP’s authority to place inmates in its custody in RRCs”). Section 3621(b) authorizes the BOP to “designate the place of the prisoner’s imprisonment” upon consideration of, in pertinent part, “any statement by the court that imposed the sentence concerning the purposes for which the sentence to imprisonment was determined to be warranted; or recommending a type of penal or correctional facility as appropriate.” 18 U.S.C. §§ 3621(b)(4)(A)–(B).

BOP has additionaly authority to transfer defendant to home confinement immediately under the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, Pub. L. No. 116- 136, § 12003, 134 Stat. 281 (2020). In passing the CARES Act, Congress expanded the authority of the Bureau of Prisons to utilize the home confinement authorized by 18 U.S.C. 3624(c) to address the exigencies and dangers of crowded prisons during a pandemic.

The Court notes that Mr. Miller does have extremely concerning underlying health issues which could very well be life threatening in the face of the current global pandemic of the 2019 novel coronavirus. Also important to the Court is Mr. Miller’s record while incarcerated and the hundreds of hours of programming that this engaged to rehabilitate himself. Mr. Miller has a relatively short amount of time remaining on his sentence and would greatly benefit from an extended placement in community corrections through the BOP.

Accordingly, the Court formally recommends to the BOP and the Warden at FCI Sheridan that defendant be transferred to community corrections immediately or as soon as possible.

IT IS SO ORDERED.

Dated this 15th day of January 2021.

/s/Ann Aiken
Ann Aiken
United States District Judge